

**REMARKS**

In the present Amendment, claim 1 has been amended to recite that the charge controlling agent employed in preparing the liquid developer includes a charge controlling substance “contained in the pores of” an inorganic porous material, rather than reciting that the charge controlling substance is “supported by” an inorganic porous material. Section 112 support for this amendment may be found, for example, at page 6 of the specification.

Claim 1 has also been amended to incorporate the recitation of original claim 10.

Accordingly, claim 10 has been canceled.

Claim 4 has been amended to improve its grammar.

No new matter has been added. Entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1-9 and 11-12 will be pending.

At page 2 of the Action, claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

In response, it is believed that the amendment to claim 1 addresses the Examiner’s concern. Applicants note with appreciation the Examiner’s indication at page 2 of the Action that an amendment along the above lines would overcome this rejection.

At page 3 of the Action, claims 1-3 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Winnik et al, US Patent No. 5,378,574.

Applicants submit that this rejection should be withdrawn because Winnik does not disclose or render obvious the liquid developer of the present claims. With due respect, the Examiner has not established an anticipation.

Amendment Under 37 C.F.R. § 1.111  
U. S. Appln. No. 10/751,123

The Examiner takes the position that the dyes of Winnik satisfy two requirements in the present claims, that is, the requirement for a “a colorant”, and the requirement for a “charge controlling substance” supported by an inorganic porous material. While not expressly stated, it is apparent that this is the Examiner’s position.

Applicants submit that the rejection lacks merit because Winnik itself reveals that persons skilled in the art do not consider Winnik’s dyes as charge controlling substances. Winnik describe the dyes as being “of the class known as reactive dyes and widely used in the textile industry.” See Winnik at column 8, lines 20-22. Winnik do not state or suggest that these dyes are in any respect charge controlling substances.

To the contrary, Winnik at column 13, lines 29-60 expressly describe charge control agents. They state that “any suitable charge control agent selected from the well known agents for such purpose may be used.” Winnik then go on to describe useful charge control agents, beginning at column 13, line 34. The charge control agents listed are different from the dyes described at column 8 of Winnik. Therefore, it appears to Applicants that Winnik itself recognizes a distinction between dyes and charge control agents. Applicants therefore submit that the dyes of Winnik cannot satisfy the requirement for “a charge controlling substance” in the charge controlling agent comprising a charge controlling substance contained in the pores of an inorganic porous material, of present claim 1. Based on this structural distinction, Applicants traverse the rejection.

Further, claim 1 has been amended, as discussed above, to incorporate the recitation of claim 10. Claim 10 was not subject to this rejection.

Amendment Under 37 C.F.R. § 1.111  
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For these reasons, Applicants respectfully request that the section 102(b) anticipation rejection of claims 1-3 based on Winnik be reconsidered and withdrawn.

At page 4 of the Action, claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Winnik.

Applicants submit that this rejection should be reconsidered and withdrawn for the same reasons that the section 102(b) anticipation rejection of claims 1-3 based on Winnik should be withdrawn.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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